

Message Text

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PAGE 01 STATE 090676
ORIGIN SCS-06

INFO OCT-01 EUR-12 ISO-00 /019 R

DRAFTED BY CA/SCS; RDRY;SJD
APPROVED BY CA/SCS; LPMULLIN
-----062145 090309Z /61
R 080135Z APR 78
FM SECSTATE WASHDC
TO AMEMBASSY MADRID

UNCLAS STATE 090676

E.O. 11652: N/A

TAGS: CGEN

SUBJECT: JUDICIAL ASSISTANCE; LETTERS ROGATORY; BROWN V.
SPEED ET AL

REF: MADRID 3622 AND PREVIOUS

1. ATTY HANDLING CASE STATES THAT HE WAS GIVEN INSTRUCTIONS REGARDING LETTERS ROGATORY PROCEDURES BY TELEPHONE WITH AMCONGEN BARCELONA AND AUTHENTICATION PROCEDURE WAS NOT EXPLAINED. ON RECEIPT AT DEPT WE NOTED THAT LETTERS ROGATORY WERE NOT PROPERLY AUTHENTICATED AND WE ADVISED ATTY OF POSSIBILITY OF REJECTION OF THEM BY SPANISH AUTHORITIES ON THAT TECHNICALITY. (OF COURSE AUTHENTICATION IS NOT REQUIRED IN THE US AND AN ATTY WOULD NOT HAVE HIS LETTERS ROGATORY AUTHENTICATED WITHOUT BEING ADVISED TO DO SO BEFOREHAND). NOTWITHSTANDING OUR RESERVATIONS, HE REQUESTED LETTERS ROGATORY BE FORWARDED TO EMBASSY FOR TRANSMISSION TO MINISTRY OF FOREIGN AFFAIRS FOR ANY ASSISTANCE THEY MIGHT BE IN THE EXECUTION OF THE REQUEST. IN VIEW OF POSSIBILITY THAT SPANISH JUDICIAL AUTHORITIES MIGHT EXECUTE THE LETTERS ROGATORY, WE ACQUIESCED IN ATTY'S
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REQUEST.

2. AS FOR COSTS WHICH MAY BE EXPECTED IN EXECUTION OF REQUEST, WE DO NOT THINK SPANISH AUTHORITIES CAN CHARGE

ANYWHERE NEAR TWO THOUSAND DOLLARS SINCE THIS IS MERELY A REQUEST THAT A DEFENDANT IN THE CAPTIONED ACTION BE

NOTIFIED OF A SUIT BEING BROUGHT AGAINST IT. OUR DEPT OF JUSTICE DOES THIS SERVICE FOR FIFTEEN DOLLARS AND WE CANNOT SEE WHY IT WOULD COST MUCH MORE IN SPAIN. NOTE THAT GRANT V. BUENO ON THE OTHER HAND WAS A REQUEST FOR TESTIMONY. IN SUCH CASES IT IS UNDERSTANDABLE THAT COSTS ARE HIGH BECAUSE GATHERING TESTIMONY CAN BE TIMECONSUMING, STENOGRAPHERS MUST BE PAID, SOMETIMES WITNESSES MUST BE PAID, ETC.

3. EMBASSY REQUESTED TO FORWARD LETTERS ROGATORY TO SPANISH AUTHORITIES AND REQUEST THEIR ASSISTANCE IN SERVING PAPERS UPON THE DEFENDANT. EMBASSY SHOULD BE AWARE THAT DEPT JUSTICE HERE ROUTINELY EXECUTES LARGE NUMBERS OF LETTERS ROGATORY FOR SPANISH JUDICIAL AUTHORITIES AT NO COST OR AT RELATIVELY SMALL COST. MANY TIMES THE SPANISH REQUESTS ARE EXTREMELY UNWIELDY BUT WE CERTAINLY MAKE EVERY EFFORT TO EXECUTE THEIR REQUESTS. EMBASSY MAY WISH TO PROVIDE SPANISH AUTHORITIES WITH ANOTHER COPY OF OUR CIRCULAR DIP NOTE TO EMBASSIES HERE IN WASHINGTON WHICH WAS ENCLOSED UNDER DEPT'S A-1357 OF 3/9/76. VANCE

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Message Attributes

Automatic Decaptioning: X
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Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
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Draft Date: 08 apr 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Drafter: SCS; RDRY;SJD
Enclosure: n/a
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SAS ID: 3029250
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Subject: JUDICIAL ASSISTANCE: LETTERS ROGATORY: BROWN V. SPEED ET AL
TAGS: CGEN
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